

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY CGSA)
FOR ISSUANCE OF A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY TO)
CONSTRUCT AN ADDITIONAL CELL SITE IN)
LOUISVILLE, KENTUCKY FOR THE PROVISION) CASE NO.
OF DOMESTIC PUBLIC CELLULAR RADIO) 96-139
TELECOMMUNICATIONS SERVICE TO THE)
PUBLIC IN JEFFERSON COUNTY, KENTUCKY)
AND THE LOUISVILLE MSA)

O R D E R

The Commission has received the attached letters from Irv Maze and Jean Shindlebower regarding the proposed cellular telecommunications facility to be located at 5700-5708 Outer Loop, Louisville, Jefferson County, Kentucky.

IT IS THEREFORE ORDERED that:

1. Kentucky CGSA, Inc. ("Kentucky CGSA") shall respond to the Mr. Maze's and Ms. Shindlebower's concerns by certified letter, within 10 days from the date of this Order.

2. Kentucky CGSA shall file a copy of the certified letter and dated receipt, within 7 days of the date of the receipt.

Done at Frankfort, Kentucky, this 8th day of May, 1996.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director



IRV MAZE
OFFICE OF THE COUNTY COMMISSIONER, "B" DISTRICT

203 Jefferson County Courthouse • Louisville, Kentucky 40202-2817 • 502/574-5895

April 29, 1996

Kyle Willard, Staff Engineer
Public Service Commission
P.O. Box 615
Frankfort, KY 40602
Fax # 502/564-1582

RE: Case No. 96-139

Dear Mr. Willard:

As per your conversation with Brian Newman of my office today, I have received the information regarding the proposed application to install a cell phone tower at the *"leased site ...just in front of Big Lots Shopping Center at 5700-5708 Outer Loop behind small three-store retail center."* Based on that conversation, you indicated that a request to hold a formalized public hearing may be granted. It is with this letter, that **I respectfully request a public hearing be held on this proposal.**

Several areas of concern have been brought to my attention recently regarding this matter. The first and probably the most disturbing to me centers on the lack of notifications sent to surrounding neighborhoods to this proposed site. As I reviewed your map and the attached addresses of the **22 property owners** (as provided by the T. Alan Neal Company) who were notified about this project; I also compared this to a map provided by our planning office.

It was quite evident that few (if any) of the residents living east of the Outer Loop site was notified. Specifically, there were no addresses on your list from anyone residing on Colebrooke Lane, Tralee Lane, Joyce Drive or even Donegal Drive - whose back yards open up to the whole commercial area at 5700 Outer Loop. This in itself, I find appalling - the residents most immediately affected by this proposal were not notified.

Secondly, as was included in the information you provided, written approval from the Kentucky Airport Zoning Commission and the FAA have not yet been received by the applicant. Realizing between the time this proposal reached your office and now, these approvals may have been received; it's interesting to see though, that this project could still move forward regardless.

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COMMISSION

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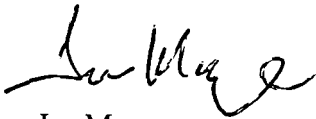
DIVISION OF PUBLIC
ENGINEERING & SURVEYING

Another reason for concern relating to the exact location of the proposed tower is that other locations may not have been explored. No where in the information provided to us, was it mentioned that other sites had in fact been reviewed.

As the Fiscal Court member representing this area, I am deeply concerned about this proposal. Therefore, as you indicated to us on the phone, a delay and subsequent advertised public hearing is not out of the question. Again, I respectfully request that such a hearing be held before any further approval is granted.

Thank you for your time and immediate attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Irv Maze", with a stylized flourish at the end.

Irv Maze
County Commissioner

c: Don Mills, PSC Executive Director
The Honorable Larry Clark, State Representative
The Honorable Larry Saunders, State Senator
The Honorable Steve Riggs, State Representative
Jean Shindlebower, President-Shamrock Hills Subdivision

SHAMROCK HILL SUBDIVISION
5900 Outer Loop
Louisville, Kentucky 40219-4159
Work #: (502) 582-7801 ... Home #: (502) 968-2320

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PUBLIC SERVICE
COMMISSION

Faxed April 29, 1996
2 pages

Don Mills
Executive Director Office
PUBLIC SERVICE COMMISSION OF KENTUCKY
730 Schenkel Lane
P.O. Box 615
Frankfort, Kentucky 40602

Dear Mr. Mills:

RE: Public Notice #: 96-139

Just yesterday, one of my neighbors called to ask if I had received a notice of a tower being erected in the shopping center next to our subdivision. I had not. The letter, which they had received on April 10th, was read to me over the phone and that's the way I obtained the above mentioned number.

As President of the Shamrock Hills Subdivision, I feel it is my responsibility to inquire regarding the following concerns:

1. What dangers do the signals from this tower pose on the people around it.
 - a. The shopping center accommodates thousands of people at a 7-day-a-week bingo hall and there are also a number of retail stores in the shopping center.
 - b. Also, St. Athanasius Church and Grade School is just across from the shopping center at 5915 Outer Loop. What affect will it have on those children and teachers?
 - c. Our subdivision has 67 homes, plus there are many other surrounding subdivisions bordering Old Shepherdsville Road, Applegate, Smyrna, Manslick and the Outer Loop.
2. What type of interference will this create in our phones, radios, televisions, computers, pacemakers, etc?

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PUBLIC SERVICE COMMISSION OF KENTUCKY

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3. How safe is this tower from falling on our homes and residents?

With this center being the area of the highest point in the county, the winds are quite stout. In fact, the shopping center where the tower is proposed was once named "Windy Hills"!!

4. What will happen to our property values? I doubt they will increase anymore and more than likely will go down!
5. Why were notices not sent to residents in the Shamrock Hills Subdivisions?

This is a formal protest and I would like for you to address our concerns before this tower is erected.

Thank you for your help

Sincerely,



Jean Shindlebower,
President
SHAMROCK HILLS SUBDIVISION